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IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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UNITED STATES OF AMERICA )  
and )  
STATE OF NEW JERSEY, DEPARTMENT OF )  
ENVIRONMENTAL PROTECTION, )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
FRANCE SHIPMANAGEMENT S.A., )  
 )  
Defendant. )  

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Civil Action No.

**COMPLAINT**

The United States of America, by authority of the Attorney General, acting at the request of the Secretary of the United States Department of the Interior (“DOI”) and the United States Department of Commerce (“DOC”), and the State of New Jersey, on behalf of the New Jersey Department of Environmental Protection (“DEP”), bring this complaint and allege as follows:

### PRELIMINARY STATEMENT

1. This is a civil action brought pursuant to Section 1002(b)(2)(A) of the Oil Pollution Act of 1990 (“OPA”), 33 U.S.C. § 2702(b)(2)(A), for injury to natural resources and reimbursement of assessment costs arising from an oil spill from the tank vessel Anitra at Big Stone Anchorage, Delaware Bay, New Jersey, on May 10, 1996 (the “Anitra Oil Spill”). The Anitra Oil Spill occurred during the process of lightering oil from the vessel while it was anchored at the Big Stone Anchorage.

### JURISDICTION AND VENUE

2. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1345, and 33 U.S.C. § 2717(b). Venue is proper in this District, pursuant to 33 U.S.C. § 2717(b) and 28 U.S.C. § 1391(b), because the discharge of oil and natural resource injuries occurred in this district.

### DEFENDANT

3. Defendant France Shipmanagement S.A. is a French corporation with its principal place of business there. France Shipmanagement S.A. was the operator of

the tank vessel Anitra at the time of the Anitra Oil Spill.

#### GENERAL ALLEGATIONS

4. On May 10, 1996, while the tank vessel Anitra was in the process of lightering more than 40 million gallons of oil while anchored at the Big Stone Anchorage, approximately 42,000 gallons of oil were discharged into the Delaware Bay.

5. The spill impacted over 50 miles of beach, as well as several state wildlife management areas, two state parks, and the Forsythe National Wildlife Refuge.

6. The Secretaries of DOI and DOC have been designated by the President as trustees for the United States for recovery under OPA for damages to natural resources managed or protected by those agencies. 40 C.F.R. § 300.600. The Commissioner of the New Jersey Department of Environmental Protection ("NJDEP"), by N.J.S.A. 13:11K-1 through -19 and the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 through 23.24, and/or the Assistant Commissioner, Natural and Historic Resources, pursuant to N.J.S.A. 13:1B-4, have been designated by the Governor of the State of New Jersey as the trustee responsible for the recovery under OPA for damages to natural resources within the State of New Jersey.

7. The Anitra Oil Spill caused injury to, destruction of, and/or loss of natural resources, including, without limitation, waters of the United States and the State of New Jersey, aquatic life therein, lands and beaches adjacent thereto, and birds, including migratory shorebirds and piping plovers.

8. As a result of the Anitra Oil Spill, DOI, DOC and NJDEP have incurred reasonable costs in assessing the damage to natural resources caused by the Spill.

#### CLAIM FOR RELIEF

9. The above allegations are included in this claim for relief.

10. There has been injury to or destruction of natural resources, and/or a loss of the use of natural resources, from the discharge of oil resulting from the Anitra Oil Spill, all within the meaning of Sections 1001(20) and 1002(b)(2)(A) of OPA, 33 U.S.C. §§ 2701(20) and 2702(b)(2)(A), for which the United States and/or the State are trustees within the meaning of Section 1006(b) of OPA, 33 U.S.C. § 2706(b).

11. Defendant is liable to the United States and/or the State under Section 1002(b)(2)(A) of OPA, 33 U.S.C. § 2702(b)(2)(A), for damages for injury to, destruction of, loss of, or loss of use of, natural resources, as well as the reasonable costs of assessing the damages.

#### PRAAYER FOR RELIEF

WHEREFORE, the United States and the State respectfully request that the Court:

1. Find the Defendant liable to the United States and/or the State under Section 1002(b)(2)(A) of OPA, 33 U.S.C. § 2702(b)(2)(A), for all damages for injury to, destruction of, loss of, or loss of use of natural resources within the trusteeship of the United States and/or the State caused by the Anitra Oil Spill, and all reasonable costs

incurred or to be incurred by the United States or the State in assessing such damages.

2. The United States and the State further request that the Court grant such other relief as the Court may deem just and proper.

Respectfully submitted,

FOR THE UNITED STATES OF AMERICA:

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